IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2753 OF 1996

Shri Shivaji Mahadeo Kumbhar,
since deceased through his
legal heirs
1 Shri Nagesh Shivaji Kumbhar
and ors. .. Petitioners
Vs
1. Shri Hanif Balu Mundhe & ors. .. Respondents

Mr B.S.Sutar i/b Mr S.D.Thokade, for the petitioners.
Mr Pratap V.Patil, for respondent no.4.

CORAM : D.B.BHOSALE,J.
DATE : 06.10.2006

PC:

1. Heard the learned counsel for the parties.

2. In the present writ petition, the petitioners have impugned the two orders dated 22.1.1993 and 20.10.1995. By order dated 22.1.1993, the trial Court had rejected the application seeking temporary injunction and the respondents-defendants' counter-claim had been allowed. Thereafter, by order dated 20.10.1995, the application filed by the present respondent no.4 was disposed of, allowing him to take necessary legal steps for compliance of the directions in the order dated 22.1.1993 passed on the application at Exhibit-5. This Court, while issuing rule in the writ petition, continued the interim order passed on 20.7.1996. Since then the interim order is operating.

The learned counsel for the parties are not in a position to state whether Regular Civil Suit No.664 of 1992 (279/91) is still pending. Keeping in view the interim order passed by this Court on 20.7.1996 and that it is operating till this date, I see no reason to keep this petition pending any more and I am satisfied that the following order shall meet the ends of justice.

(a) The trial Court shall decide Regular Civil Suit No.664/92 (279/91), if not disposed of already, as expeditiously as possible and preferably within a period of one year from the date of receipt of this order on merits in accordance with law and without being influenced by the orders impugned in the present writ petition.

(b) With these observations, the writ petition is disposed of in the aforesaid terms. The interim order shall remain operative till disposal of the suit. The rule is accordingly disposed of.

(D.B.BHOSALE,J.)